

bar, Defendant asserts other counsel submitted fee requests under §406(a) in the amount of \$4000.00, but does not state whether the request was granted and attached no documentation of same. Plaintiff's counsel retorts that the failure of proof requires the court to disregard the allegation. It is nevertheless relevant to this court's analysis because, if true, the combined §406(a) and §406(b) award could exceed the statutory ceiling.

The issue of whether the two awards are to be considered together is currently on appeal before the Tenth Circuit Court of Appeals in *Wrenn v. Astrue*, Appeal No. 06-7088 (E.D. Okla. # 03-350). Oral argument was held on October 5, 2007. Because a decision is imminent, the court agrees with Plaintiff counsel's suggestion that a ruling should be delayed pending resolution of the issue.

IT IS THEREFORE ORDERED that Plaintiff's Attorney's Motion For an Award of Attorney Fees Under 42 U.S.C. §406(b) [Dkt. #31] is stayed pending decision in *Wrenn*. Counsel is directed to file motion to lift stay within twenty (20) days after mandate is entered in *Wrenn*, which shall also advise the court of the status of §406(a) fees should the Tenth Circuit find these are to be considered in determining the §406(b) award.

IT IS FURTHER ORDERED that counsel comply with General Order GO-07-6, entered March 28, 2007, by filing Certification of Notice to Plaintiff and Notice to Plaintiff within thirty (30) days of this Order.

DATED THIS 17TH DAY OF APRIL, 2008.


Sam A. Joyner
United States Magistrate Judge